

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

EDWARD F. PLASTINO and )  
SECOND AMENDMENT FOUNDATION, INC., )

Plaintiffs, )

v. )

Case No. 4:12-CV-1316

CHRIS KOSTER, in his Official Capacity as )  
Attorney General of the State of Missouri; and )  
TOM NEER, in his Official Capacity as )  
Sheriff of St. Charles County, Missouri, )

Defendants. )

**PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

COME NOW the Plaintiffs, EDWARD F. PLASTINO and SECOND AMENDMENT FOUNDATION, INC., by and through undersigned counsel, and move this Honorable Court for leave to file an Amended Complaint in this matter. In support thereof, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint on July 23, 2012.
2. Though Defendant NEER filed an Answer, Defendant KOSTER filed a Motion to Dismiss, which is currently pending.
3. Respective counsel for Plaintiffs and KOSTER have had multiple communications regarding the issues in KOSTER's Motion, and those counsel agree that those issues will be resolved in their entirety if Plaintiffs file an Amended Complaint alleging the following three true statements:

- Plaintiff PLASTINO applied for a concealed-carry endorsement and was denied by Defendant NEER on the basis of his citizenship;
- Plaintiff PLASTINO is a member of Plaintiff SAF;
- Even though the actual ministerial act of the issuance of the concealed carry endorsement falls to the Missouri Department of Revenue, the Department of

Revenue performs no independent evaluation or review of a Certificate of Qualification, and only confirms the applicant possesses the Certificate when he or she arrives to have the endorsement issued as part of the holder's driver's license or State ID card.

4. Plaintiffs have drafted a proposed Amended Complaint which alleges these three facts, which will moot the arguments in, and need for, Defendant KOSTER's Motion to Dismiss. Counsel for KOSTER is in agreement with this statement.

5. Plaintiffs' proposed Amended Complaint is attached hereto as Exhibit "A."

6. Defendant KOSTER has requested 14 days to respond to the Amended Complaint, to which Plaintiffs do not object, if such timing pleases the Court.

7. This Motion is unopposed by the Defendant KOSTER's counsel, with whom Plaintiffs' counsel had the multiple aforesaid discussions on this issue prior to filing this Motion.

WHEREFORE, the Plaintiffs request this Honorable Court:

1. Grant Plaintiffs leave to file their Amended Complaint, *instanter*;
2. Grant Defendants 14 days to file responsive pleadings to the Amended Complaint;
3. Grant Plaintiffs any and all further relief as this Court deems just and proper.

Dated: October 10, 2012

Respectfully submitted,

By: /s/ David G. Sigale  
David G. Sigale

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Admitted *Pro hac vice*

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record for the Plaintiffs, hereby certifies that on October 10, 2012, he served a copy of the above Motion, and this certificate of service, on all counsel of record by electronic means pursuant to Electronic Case Filing (ECF).

/s/ David G. Sigale

David G. Sigale